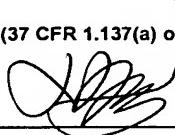


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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 14836-49926 |
| INTERNATIONAL APPLICATION NO. PCT/EP03/12428 | INTERNATIONAL FILING DATE 6 November 2003 | U.S. APPLICATION NO. If known, see 37 CFR 1.51 Unassigned 107534268 |
| TITLE OF INVENTION MEDIUM AND METHOD FOR MEASURING THE EFFICACY OF A TUMOUR THERAPY | | |
| APPLICANT(S) FOR DO/EO/US BABARINA, Alexandra; WALDENMAIER, Dirk Sebastian; KISCHKEL, Frank Christian | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> | | |
| <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: PCT/RO/101, copy of the publication (in German); PTO-2038 in the amount of \$1,520.00</p> | | |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|---|--------------|---|--------------|---|--|------------------------|----|-----------------------|----|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) Unassigned 10/534268 | | INTERNATIONAL APPLICATION NO. PCT/EP03/12428 | | ATTORNEY'S DOCKET NUMBER 14836-49926 | | | | | |
| The following fees have been submitted | | | | | | | | | |
| 21. <input checked="" type="checkbox"/> Basic national fee \$300 | | | | | | | | | |
| 22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100 All other situations \$200 | | | | | | | | | |
| 23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office \$400 All other situations \$500 | | | | | | | | | |
| TOTAL OF 21, 22 and 23 = | | | | | | | | | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | | RATE | | | | | |
| 11 - 100 = | /50 = | | | x \$250 | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | | | | | | |
| CLAIMS | | NUMBER FILED | NUMBER EXTRA | RATE | | | | | |
| Total claims | | 10 - 20 = | | x \$ 50 | | | | | |
| Independent claims | | 1 - 3 = | | x \$200 | | | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$360 | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½. | | | | | | | | | |
| SUBTOTAL = | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + | | | | | | | | | |
| TOTAL NATIONAL FEE = | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Amount to be refunded:</td> <td style="width: 30%; text-align: right;">\$</td> </tr> <tr> <td>Amount to be charged:</td> <td style="text-align: right;">\$</td> </tr> </table> | | | | | | Amount to be refunded: | \$ | Amount to be charged: | \$ |
| Amount to be refunded: | \$ | | | | | | | | |
| Amount to be charged: | \$ | | | | | | | | |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. | | | | | | | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | | | | | |
| c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed. | | | | | | | | | |
| d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | | | | | |
| SEND ALL CORRESPONDENCE TO: <div style="text-align: right; margin-right: 100px;">  </div> Tim Tingkang Xia, Esq. Morris, Manning & Martin, LLP 1600 Atlanta Financial Center 3343 Peachtree Road NE Atlanta, Georgia 30326-1044 | | | | | | | | | |
| SIGNATURE Tim Tingkang Xia | | | | | | | | | |
| NAME 45,242 | | | | | | | | | |
| REGISTRATION NUMBER | | | | | | | | | |

10/534268

JC14 Rec'd PCT/PTO 06 MAY 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Babarina, et al.

Docket: 14836-49926

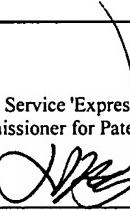
Title: MEDIUM AND METHOD FOR MEASURING THE EFFICACY OF A TUMOUR THERAPY

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL789905857US

Date of Deposit: May 6, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Name: Tim Tingkang Xia

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No. 24728

Sir:

We are transmitting herewith the attached:

- Transmittal Letter to the United State Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2 pages)
- Copy of International Publication No. WO 2004/042393 A1 (15 pages)
- Copy of PCT Request PCT/RO/101 (6 pages)
- Preliminary Amendment (3 pages)
- Application Data Sheet (4 pages)
- Information Disclosure Statement (2 pages)
- Information Disclosure Statement List (1 page)
- Credit Card Authorization Form-2038 in the Amount of \$1,520.00
- USPTO is Authorized to charge any additional fee(s) or underpayments of fee(s) or credit any overpayments under 37 CFR 1.16 and 1.17.
- Return postcard

Please send all Correspondence to:
Tim Tingkang Xia, Esq.
MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road NE
Atlanta, Georgia 30326
404-233-700 (Main)
404.495.3678 (Direct)
Customer No. 24728

By: 
Name: Tim Tingkang Xia
Reg. No.: 45,242
TX